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Attorney for Defendant Jessica Avras

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

CASE NO. 2:23-CR-00022-RFB-BNW-1

Plaintiff,

vs.

JESSICA AVRAS,

Defendant.

STIPULATION AND ORDER TO CONTINUE SENTENCING
(FIRST REQUEST)

IT IS HEREBY STIPULATED by and between Defendant, Jessica Avras, by and through her counsel, Dominic P. Gentile, Esq., of the law firm of Clark Hill, PLLC, and Plaintiff, United States of America, by and through Jason M. Frierson, United States Attorney, Richard Anthony Lopez, Thomas Wood Flynn, and Susan Cushman Assistant United States Attorneys, that the sentencing hearing, which is currently scheduled for January 4, 2024, at 9:30 a.m., be vacated and rescheduled to a day and time convenient to the Court but not earlier than April 15, 2024.

This Stipulation is entered into for the following reasons:

1. Sentencing in this matter is currently scheduled for January 4, 2024, at 9:30 a.m.
2. The parties are prepared for sentencing, however, need an extension of the sentencing date due to the medical condition of the Defendant, Ms. Avras.
3. Due to an obligation to keep HIPPA information confidential and the public nature of the instant document, counsel for the Defendant is willing to provide the Court more information on the condition of the Defendant if needed.

1 4. Upon information and belief, the Defendant has very recently been admitted to the
2 hospital for several severe diagnoses, which, in part, has affected Ms. Avras's ability to walk.

3 5. Due to the medical uniqueness of her current condition, Ms. Avras has been asked
4 by her medical providers to consent to be a subject in a case study.

5 6. Because of the status of her current medical condition, Ms. Avras cannot be
6 presented for her presentence interview with United States Probation Officer Cravotta.

7 7. Officer Cravotta and the attorneys for the government and defense have been made
8 aware of the Defendant's current medical status and are all in agreement with the instant stipulation
9 to continue sentencing. Should Ms. Avras's medical conditions improve in the timeframe
10 requested, she will have time to present for her presentence interview in order for Officer Cravotta
11 to comply with her requirement to submit a Presentence Investigation Report prior to sentencing.

12 8. Ms. Avras has appeared in this case, and is not in custody, and along with the
13 Government, agrees to this continuance.

14 9. The additional time requested herein is not sought for purposes of delay and the
15 denial of this request for a continuance could result in a miscarriage of justice.

16 10. Federal Rule of Criminal Procedure 32(b)(2) permits this Court to continue a
17 sentencing hearing for good cause. Good cause exists in this case.

18 11. For all the above-stated reasons, the ends of justice would be best served by a
19 continuance of the sentencing hearing.

20 12. This is the first request for a continuance of the sentencing hearing.

21
22 DATED this 20th day of November, 2023.

DATED this 20th day of November, 2023.

23 **U.S. ATTORNEYS OFFICE**

CLARK HILL PLLC

24
25 /s/ Samuel P. Robins
26 SAMUEL P. ROBINS
THOMAS WOOD FLYNN
SUSAN CUSHMAN
United States Attorneys
Attorneys for Plaintiff
UNITED STATES OF AMERICA

/s/ Gia N. Marina
DOMINIC P. GENTILE
GIA N. MARINA
Attorneys for Defendant
JESSICA AVRAS

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

3 UNITED STATES OF AMERICA,

CASE NO. 2:23-CR-00022-RFB-BNW-1

4 Plaintiff,

5 vs.

6 JESSICA AVRAS,

7 Defendant.

8 **FINDINGS OF FACT, CONCLUSION OF LAW AND ORDER**

9 Based on the pending Stipulation of counsel, and good cause appearing therefore, the
10 Court hereby finds that:

11 **CONCLUSIONS OF LAW**

12 Based on the fact that counsel has agreed to a continuance, the Court hereby concludes that:

- 13 1. Sentencing in this matter is currently scheduled for January 4, 2024, at 9:30 a.m.
- 14 2. The parties are prepared for sentencing, however, need an extension of the
15 sentencing date due to the medical condition of the Defendant, Ms. Avras.
- 16 3. Due to an obligation to keep HIPPA information confidential and the public nature
17 of the instant document, counsel for the Defendant is willing to provide the Court more information
18 on the condition of the Defendant if needed.
- 19 4. Upon information and belief, the Defendant has very recently been admitted to the
20 hospital for several severe diagnoses, which, in part, has affected Ms. Avras's ability to walk.
- 21 5. Due to the medical uniqueness of her current condition, Ms. Avras has been asked
22 by her medical providers to consent to be a subject in a case study.
- 23 6. Because of the status of her current medical condition, Ms. Avras cannot be
24 presented for her presentence interview with United States Probation Officer Cravotta.
- 25 7. Officer Cravotta and the attorneys for the government and defense have been made
26 aware of the Defendant's current medical status and are in agreement with the instant stipulation to
27 continue sentencing. Should Ms. Avras's medical conditions improve in the timeframe requested,
28

1 she will have time to present for her presentence interview in order for Officer Cravotta to comply
2 with her requirement to submit a Presentence Investigation Report prior to sentencing.

3 8. Ms. Avras has appeared in this case, and is not in custody, and along with the
4 Government, agrees to this continuance.

5 9. The additional time requested herein is not sought for purposes of delay and the
6 denial of this request for a continuance could result in a miscarriage of justice.

7 10. Federal Rule of Criminal Procedure 32(b)(2) permits this Court to continue a
8 sentencing hearing for good cause. Good cause exists in this case.

9 11. For all the above-stated reasons, the ends of justice would be best served by a
10 continuance of the sentencing hearing.

11 12. This is the first request for a continuance of the sentencing hearing.

12 **ORDER**

13 **IT IS HEREBY ORDERED** that the Sentencing Hearing in this matter presently
14 scheduled for January 4, 2024, at 9:30 a.m. is hereby vacated and continued to **May 2, 2024**
15 **at 9:15 a.m. in Courtroom 7C.**

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17 DATED this 21st day of November, 2023.

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RICHARD F. BOULWARE II
UNITED STATES DISTRICT COURT JUDGE
CASE NO.: 2:23-CR-00022-RFB-BNW-1